

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:

Case No. 09-31457
Chapter 13

Yurii Korotkov and
Iryna Pavlovna Korotkov
SSN: xxx-xx-8440 and xxx-xx-9624
Debtors.

EX PARTE MOTION TO REOPEN CHAPTER 13 CASE

NOW COME the above-named debtors, by and through the undersigned counsel, pursuant to 11 U.S.C. §350(b) and 11 U.S.C. §105, and respectfully request that this Court enter its Order reopening their bankruptcy case. In support of this Ex Parte Motion, the debtors show the Court as follows:

1. The debtors filed a petition under Chapter 13 of the Bankruptcy Code in this Bankruptcy Court on July 23, 2009. They subsequently received a standard discharge on December 17, 2014 and their case was closed on April 30, 2015.

2. Suntrust Mortgage was a duly listed secured creditor in the debtors' Chapter 13 plan and is secured by a first deed of trust on the debtors' residence which has an address of 3012 Twilight Lane, Indian Trail, North Carolina.

3. On December 4, 2014, Suntrust Mortgage filed a Creditor Statement of Amounts Required to Bring Loan Current and alleged that the debtors were four months delinquent on their post-petition mortgage payments.

4. The debtors believed that they were current on their post-petition mortgage obligations. The debtors' attorney subsequently contacted Suntrust Mortgage directly by telephone on numerous occasions to identify which months the debtors allegedly did not remit mortgage payments. On or about April 14, 2015, he was told by a Suntrust Mortgage bankruptcy department representative that the debtors were current on their mortgage payments and to disregard the statement filed on December 4, 2014. Debtors' attorney relied on this telephone conversation and did not file a Motion to Deem Mortgage Current. In hindsight, the debtors should have sought a court order on this issue at that time.

5. Once the debtors' bankruptcy case was closed on April 30, 2015, Suntrust Mortgage began foreclosure proceedings and is still unable to identify which months the debtors allegedly missed.

6. The debtors now request that this case be reopened so that they can file a motion to

deem their mortgage current and to enforce the Discharge Injunction.

7. Pursuant to Local Rule 9013-1(f) of this Court, Suntrust Mortgage shall have fourteen (14) days from the service of the subsequent Order on Ex Parte Motion to object to the reopening of this case.

WHEREFORE, the debtors hereby pray the Court to enter an Order reopening their case.

/s/ Matthew H. Crow

Matthew H. Crow
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Ex Parte Motion to Reopen Case to which this certificate is affixed was served upon the parties listed below by depositing a copy of the same, enclosed in a first-class postpaid envelope, properly addressed to these parties, in a post office or official depository under the exclusive care and custody of the United States Postal Service, or via electronic court service on this the 29th day of October, 2015.

Warren L. Tadlock
Chapter 13 Trustee
(via ECF service)

Bankruptcy Administrator
(via ECF service)

Suntrust Mortgage
Bankruptcy Dept RVW 3034
PO Box 27767
Richmond, VA 23261
and
(via ECF service)

Suntrust Mortgage
c/o the Hutchens Law Firm
PO Box 2505
Fayetteville, NC 28302
and
(via ECF service)

Mr. and Mrs. Yurii Korotkov
3012 Twilight Lane
Monroe, NC 28110

/s/ Matthew H. Crow

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